

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS

FILED BY Cas D.C.

2005 AUG 18 PM 3:39

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

MARY BOYKIN, and)
GEORGE BOYKIN, Husband,)
Plaintiffs,)

v.)

CIVIL ACTION NO. 05-2412 DV

WAL-MART A.K.A. WAL-MART)
SUPERCENTER, WAL-MART)
STORES, WAL-MART REAL)
ESTATE BUSINESS TRUST, and)
JANE and/or JOHN DOE(S),)
Defendants.)

FILED BY [Signature] D.C.
05 AUG 19 PM 2:49
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

**CONSENT MOTION AND MEMORANDUM FOR PLAINTIFFS TO AMEND
COMPLAINT TO CORRECT MISNOMER OF DEFENDANT AND DISMISS
WITHOUT PREJUDICE REMAINING WAL-MART DEFENDANTS**

The parties, through counsel of record, and pursuant to the Federal Rules of Civil Procedure, move this Honorable Court for an Order allowing Plaintiffs to amend their Complaint to reflect the correct entity as Wal-Mart Stores East, L.P. The Plaintiffs originally named Wal-Mart a/k/a Wal-Mart Supercenter, Wal-Mart Stores, Wal-Mart Real Estate Business Trust and Jane and/or John Doe(s). Counsel for all parties state that all parties consent to such amendment to properly name the Defendant as Wal-Mart Stores East, L.P. and dismiss without prejudice all other remaining Wal-Mart Defendants named in Plaintiffs' Complaint.

MOTION GRANTED

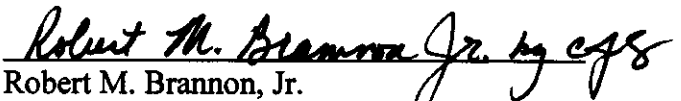
This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 8/24/05


[Signature]
BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE

(6)

WHEREFORE, PREMISES CONSIDERED, all parties respectfully request this Court for permission for Plaintiff to amend their Complaint to reflect the proper Defendant as Wal-Mart Stores East, L.P. and dismiss without prejudice all remaining named Wal-Mart Defendants.

Respectfully submitted,


Robert M. Brannon, Jr.
295 Washington Avenue, Suite 3
Memphis, TN 38103
Attorney for Plaintiffs Mary Boykin
and George Boykin


CLINTON J. SIMPSON (#20284)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
165 Madison Avenue, Suite 2000
Memphis, TN 38103
(901) 526-2000

Attorney for Defendant
Wal-Mart Stores East, L.P.



Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 2:05-CV-02412 was distributed by fax, mail, or direct printing on August 24, 2005 to the parties listed.

Robert M. Brannon
LAW OFFICE OF ROBERT M. BRANNON
295 Washington Avenue
Ste. 3
Memphis, TN 38103

Clinton J. Simpson
BAKER DONELSON BEARMAN & CALDWELL
20th Floor
165 Madison Avenue
Memphis, TN 38103

Jimmy Moore
CIRCUIT COURT, 30TH JUDICIAL DISTRICT
140 Adams Ave.
Rm. 224
Memphis, TN 38103

Honorable Bernice Donald
US DISTRICT COURT